

## SENATE BILL NO. 63

INTRODUCED BY J. TESTER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CRIMINAL OFFENSES RELATING TO THEFT OF RENTED OR LEASED PERSONAL PROPERTY; ~~DECREASING~~ CHANGING THE TIME AFTER WHICH THE THEFT FOR FAILURE TO RETURN OR PAY FOR RENTED OR LEASED PERSONAL PROPERTY OCCURS FROM 48 HOURS AFTER RETURN OF THE PROPERTY IS DUE TO ~~42~~ 2 BUSINESS ~~HOURS~~ DAYS AFTER RETURN OF THE PROPERTY IS DUE; PROVIDING THAT THE GIVING OF FALSE INFORMATION TO THE LESSOR IS PRIMA FACIE EVIDENCE OF GUILT; AMENDING SECTIONS 45-6-305 AND 45-6-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-6-305, MCA, is amended to read:

**"45-6-305. Theft of labor or services or use of property.** (1) A person commits the offense of theft when ~~he~~ the person obtains the temporary use of property, labor, or services of another ~~which that~~ are available only for hire or rent, by means of threat or deception or knowing that ~~such the~~ use is without the consent of the person providing the property, labor, or services.

(2) A person convicted of theft of labor or services or use of property shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

**Section 2.** Section 45-6-309, MCA, is amended to read:

**"45-6-309. Failure to return or pay for rented or leased personal property.** (1) A person commits the offense of failure to return or pay for rented or leased personal property if, without notice to and permission of the lessor ~~and without good cause~~, the person ~~purposely and~~ knowingly fails to return the property or to fully pay any amount due within ~~48~~ 2 business ~~hours~~ DAYS after the time provided for return OR PAYMENT in the rental agreement, ~~provided that~~. This subsection is not violated unless clear written notice, ~~in bold print~~, of the date and time when ~~return of the property is required~~ must be returned OR THE AMOUNT PAID and of the penalty ~~prescribed~~ provided in this section is stated in the rental or lease agreement.

(2) Presentation to the lessor by the lessee of identification or information that is false for the purpose of obtaining a rental or lease agreement constitutes prima facie evidence of, but is not a prerequisite to, commission of the offense.

(3) After the rental or lease period OR TIME FOR PAYMENT specified in the rental or lease agreement has expired, failure to return or pay for rented or leased personal property within 72 hours of written demand by the lessor, sent by certified mail to the renter or lessee at the address given at the time of entering the rental or lease agreement, constitutes prima facie evidence of commission of the offense. A written demand by the lessor is not a prerequisite to the occurrence of an offense under this section.

(4) (a) A person convicted of failure to return or pay for rented or leased personal property not exceeding \$1,000 in value OR FAILURE TO PAY RENTAL OR LEASE FEES DUE IN AN AMOUNT NOT EXCEEDING \$1,000 shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A person convicted of failure to return or pay for rented or leased personal property exceeding \$1,000 in value OR FAILURE TO PAY RENTAL OR LEASE FEES DUE IN AN AMOUNT EXCEEDING \$1,000 shall be imprisoned in the state prison for a term not to exceed 10 years."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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